

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 3:23CR00009
)	
ELLIOTT SIMON ATWELL,)	<u>ORDER</u>
Defendant.)	

The Defendant came before the Court for a detention hearing on June 5, 2023. The Government moved for detention.

Based on the nature of the offense charged, the Court shall hold a detention hearing upon the Government's motion to detain the Defendant pending trial. 18 U.S.C. § 3142(f)(1)(E) (certain felonies involving minor victims, unregistered sex offenders, firearms, or other dangerous weapons). In this case, there is a rebuttable presumption of pretrial detention. *See id.* § 3142(e)(3)(E) (assuming flight and safety risk in certain cases involving minor victims). At the detention hearing, the Court shall consider the factors in 18 U.S.C. § 3142(g) to determine whether any condition or combination of conditions will reasonably assure that the Defendant neither flees nor poses a danger to another person or to the community if released pending trial.

Based on the evidence presented, including but not limited to the following, the Court finds that no condition or combination of conditions will reasonably assure the safety of another person or the community (by clear and convincing evidence) if the Defendant is released at this time:

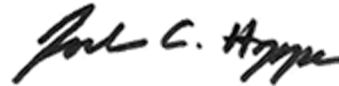
The Defendant is charged with child exploitation offenses that carry significant penalties. Although that conduct allegedly occurred between three and ten years ago, the Government presented evidence that the Defendant engaged in similar conduct while on federal probation in the last year.

It is therefore ORDERED that the Defendant be detained pending further proceedings in this case.

Directions Regarding Detention

The Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ENTERED: June 5, 2023

A handwritten signature in black ink, appearing to read "Joel C. Hoppe".

Joel C. Hoppe
United States Magistrate Judge